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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,455	02/23/2004	Michael A. Rowe	128.1045PAT	8233
33369 7590 11/20/2007 FASTH LAW OFFICES (ROLF FASTH) 26 PINECREST PLAZA, SUITE 2 SOUTHERN PINES, NC 28387-4301			EXAMINER LANGDON, EVAN H	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 11/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,455	Applicant(s) ROWE, MICHAEL A.	
	Examiner Evan H. Langdon	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 November 2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 037 392 in view of Ellingson (US 7,021,510).

GB '392 discloses an arrangement for the axial driving of a supply hose, comprising:

the supply hose 10 connected to a displaceable cartridge provided with a spray nozzle 4, the supply hose being in fluid communication with the spray nozzle, the cartridge being arranged in a stationary guide tube (Fig. 1) extending along an object to be sprayed, the cartridge being movable along the guide tube, the spray nozzle being movable along and relative to the guide tube,

a first and second driving wheel 11 driven by driving means.

Ellingson teaches a traction assembly for driving a cable having a first, second and third driving wheels 57 where at least one driving wheel is driven by driving means for driving the driving wheel, the first driving wheel having a first and second outside, the second driving wheel having a first and second outside, the third driving wheel having a first and second outside, the first outside of the first driving wheel being in contact with the second outside of the third driving wheel, the second outside of the first driving wheel being in contact with the first outside of the second driving wheel, the second outside of the second driving wheel being in contact with the first outside of the third driving wheel to enclose the supply hose disposed therein, each driving wheel having a concave jacket surface congruent with an outside of the supply hose, and each concave jacket surface surrounding at least 100° of a circumference of the hose (Fig. 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the two wheel drive assembly of GB '392 to include the three wheeled drive assembly as suggested by Ellingson, to better grip the hose.

In regards to claim 2, GB '392 as modified by Ellingson teaches the wheels are in physical contact with each other in such a manner (see arrangement in Ellingson) that there arises indirect driving of the other driving wheels driven by the first wheel.

In regards to claim 3, GB '392 as modified by Ellingson teaches the outer surfaces of the jacket surfaces comprise teeth 10 (Ellingson) to interact with the neighboring drive wheel.

In regards to claim 5, GB '392 as modified by Ellingson teaches where the contact pressure between the drive wheels and the supply hose is controlled by a spring element 100 (Ellingson).

In regards to claim 6, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use either a spring or a pneumatic cylinder.

In regards to claim 7, GB '392 as modified by Ellingson teaches the hose comes from a supply reel (GB '392).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB '392 as modified by Ellingson as applied to claims 1 and 2 above, and further in view of Noda (US 4,427,162).

Noda teaches using rubber with a high friction factor instead of sprockets, teeth or chain wheels (col. 5 lines 33-47, Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the jacket surfaces of GB '392 as modified by Ellingson to include a high friction surface as suggested by Noda, to provide a smoother engagement.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB '392 as modified by Ellingson as applied to claims 1 and 2 above, and further in view of Taitel et al. (US 3,904,147).

Taitel teaches a pulley 18 located at the center of center of a magazine 15, which pulley is fixedly arranged relative to the magazine and rotates the magazine to which pulley a tension strap 19 is attached, where the tension strap 19 passes over a spring element 24 and is fixedly attached at its outer end in a fixture 20 fixed in space.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the supply reel of GB '392 as modified by Ellingson to include a tension control as suggested by Taitel, to control the supply material as it is wound and unwound.

In regards to claim 9, GB '392 as modified by Ellingson and Taitel teaches the spring element 24 has a low force level when the hose magazine rolls in the dispensing direction and a high force level when the hose magazine rolls in a collection direction (Taitel, col. 2, line 42 to col. 3 line 13).

In regards to claim 10, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use either a spring or a pneumatic cylinder.

In regards to claims 11-12, the Examiner takes official notice that a scraper arranged between the driving wheels and the guide tube would have been obvious to one having ordinary skill in the art that the time the invention was made.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection. The limitations re. first, second and third drive wheels in contact with each other necessitated the new grounds of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Evan Langdon
Patent Examiner
AU 3654